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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,065	10/13/1999	STEFAN B. EDLUND	AM9-99-066	6940

23334 7590 12/04/2002

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EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/417,065

Applicant(s)

Edlund et al.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 10, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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### **DETAILED ACTION**

1. This Office Action is the answer to the Amendment filed on September 10, 2002, which paper has been placed of record in the file.
2. Claims 19-31 are pending in this application.

#### ***Response to Arguments/Amendment***

3. Applicant's arguments with respect to claims 19-31 have been considered but are moot in view of the new grounds of rejection.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 19-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed invention is unclear whether the agent processes the multiple auctions on behalf of the user or the user does the multiple auctions by himself.

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“**one or more**” (claim 19, line 3; claim 25, line 2; claim 31, line 3) render the claims indefinite because if the user registers only one auction site, so the user cannot participate to multiple auction sites as indicated in the step of “communicating with a first and/or next auction site”.

“the third determining step” (claims 19 and 31 line 17), “the third means for determining” (claim 25, line 16), are lack of antecedent basis.

“determining if said bid has been accepted...” (claims 19 and 31, line 12; claim 25, line 11) is unclear whether the bid is accepted when the user submits a bid or the user has a winning bid.

“determining if time is running out...” (claims 19 and 31, line 16; claim 25, line 15) is unclear whether the preceding step it refers to;

“otherwise, determining if...”(claims 19 and 31, line 14; claim 25, line 13), “otherwise, returning...” (claims 19, 25, 31, line 18), are unclear which “if” the “otherwise” refers to.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 19, 22, and 24 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

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The claims, as presently claimed and best understood were reconsidered in light of the “Examination Guidelines for Computer-Related Inventions” and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows.

The Examiner notes that the disclosed invention is within the technological arts. The claimed invention is also noted not to be a computer program, data structure, a natural phenomenon, and a non-descriptive material per se. The claimed invention does not include a series of steps to be performed by a computer. The claimed invention also is not a product for performing a process, not it is a specific machine or manufacture. The claimed invention is not a specific tangible machine or process for facilitating a business transaction. Claims 19, 22, and 24 do not appear to correspond to a specific machine or manufacture disclosed within the instant specification and thus encompassed any product of the class configured in any manner to perform the underlying process. The claimed invention of claims 19, 22, and 24 also does not include a post-computer process activity or a pre-computer process activity. Thus, no physical transformation is performed, no practical application in the technological art is found. Consequently, claims 1-7 and 15-19 are analyzed based upon the underlying process, and are thus rejected as being directed to a non-statutory process. Therefore, the claims are non-statutory, because they are directed solely to an abstract idea without practical application in the technological arts.

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 19-31, ***insofar as the claims can be understood***, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferguson et al, U.S. Patent No. 5,966,697.

Regarding to claim 19, Ferguson teaches the buyer purchases product at multiples merchant websites and manages a purchase based on the proceedings of another purchase. Ferguson allows the buyers visits multiples merchant websites for purchasing a product. When the buyer already selected a product at one merchant, and later the buyer find the same product that the buyer prefers at another merchant, the buyer allow to cancel the selected product (see column 4, lines 34-40). Thus, it is obvious to apply the Ferguson's concept when the merchant websites become the auction websites. The buyer always wants the lowest price for purchase a product. For example, when the buyer wants to purchase a camera, the buyer can visit many different auction websites to search for a camera with the price the buyer can afford. For example, the buyer found the camera with the price permitted at the auction websites such as auctions.yahoo.com, ebay.com, onsale.com and ubid.com, the buyer can place a bid for the camera at the selected auction websites. Because the buyer always wants the lowest price for the product, thus, for example, when the buyer win the auction at the lowest price at ubid.com, the

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buyer can cancel the outstanding bid at another auction websites. If the buyer is outbid at the selected auction websites, the buyer continues to visit another auction websites to obtain the buyer's need. Therefore, it would have been obvious to modify Ferguson's for the purpose of obtaining the product with the lowest price to satisfy the buyer's need by conducting the auction at the multiples merchant websites.

Moreover, it is well-known in the art to register the buyer at one merchant website to obtain a buyer identification and password. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Ferguson's for the security purpose. In addition, it is well-known in the art for the buyer to submit a product purchase request at a search website such as yahoo.com, the buyer is provided the list of merchant websites that have the product request by the buyer. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the feature above with Ferguson's for the purpose of time consuming, the buyer does not spent time to find a product at each merchant website.

Regarding to claim 20, Ferguson further discloses wherein one or more of method steps is implemented using a personal computer (column 3, lines 32-42).

Regarding to claims 21-22, Official notice is taken that searching a manufacturing resource and/or inventory planning system for a product purchase request is old and well-known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time

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the invention was made to include the features above with Ferguson's for the purpose of providing the availability of the product requested to the user.

Regarding to claim 23, Ferguson further discloses merchant site is an Internet-based web merchant site (column 3, lines 38-42).

Regarding to claim 24, it is obvious to prioritize bid placement to permit only the lowest cost auction sites to be utilized in the bidding process. As discussed in claim 19, because the buyer always wants to purchase a product with the lowest price, so the buyer will choose the lowest cost auction sites to place a bid for the product. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the features above with Ferguson's for the purpose of obtaining the product with lowest price by the buyer.

Claims 25-30 are written in means that are parallel the limitations found in claims 19-24, as discussed above, therefore are rejected by the same rationale.

Claim 31 is written in computer software that are parallel the limitations found in claim 19 as discussed above, therefore is rejected by the same rationale.

### ***Conclusion***

10. Claims **19-31** are rejected.

11. The prior arts made of record to support the Examiner Official notice:

Rackson et al. (US 6,415,270) discloses a multiple auction coordination method and system.



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Woolston (US 6,085,176) discloses method and apparatus for using search agents to search plurality of markets for items.

Godin et al. (US 5,890,138) discloses computer suction system.

Dworkin (4,992,940) discloses system and method for automated selection of equipment for purchase through input of user desired specifications.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703)308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1113.

13. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 3600

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

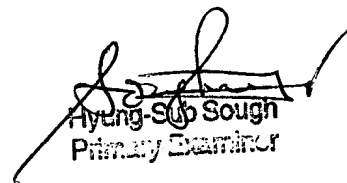
**or:**

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(703) 308-3961 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,  
Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen  
November 18, 2002

  
Hyung-Sob Souh  
Primary Examiner